

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

* * * * *

REGENTS OF THE UNIVERSITY
OF MINNESOTA,

Plaintiff,

v.

Case No.17-cv-03690 (DSD-ECW)

UNITED STATES OF AMERICA; AND
E.I. DU PONT DE NEMOURS AND CO.,

Defendants.

* * * * *

NOTICE OF LODGING OF PROPOSED CONSENT DECREE

Defendant and Counterclaim Plaintiff the United States of America (“United States”) hereby lodges the accompanying proposed Consent Decree with this Court to solicit public comment. No action is required of the Court at this time.

The claims in this case concern responsibility for environmental response actions and payment of response costs at a property owned by the University of Minnesota and formerly part of the Gopher Ordnance Works Site. The University filed claims under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) and the Minnesota Environmental Response and Liability Act (“MERLA”) against the United States and DuPont. The United States and DuPont filed various counterclaims against the University, including under CERCLA, and DuPont filed crossclaims against the United States. If the proposed Consent Decree is approved and entered by the Court, it would resolve all of the claims in this case.

Pursuant to U.S. Department of Justice policy, 42 U.S.C. § 9622(d)(2), and 28 C.F.R. § 50.7, the United States will publish a notice of the lodging of the proposed Consent Decree in the Federal Register to commence a 30-day public comment period. The Court should not sign the proposed Consent Decree until the public has had an opportunity to comment and the United States has addressed those comments, if any.

If the United States receives any public comments, it will consider and file with the Court any written comments on the proposed Consent Decree along with the United States' response to those comments. The United States may withhold its consent to the proposed Consent Decree if the comments disclose facts or considerations which indicate that the proposed Consent Decree is improper, inappropriate, inadequate, or not in the public interest. At the conclusion of the public comment period, the United States will either: (1) notify the Court of its withdrawal of the proposed Consent Decree, or (2) respond to comments received and move this Court to enter the proposed Consent Decree.

This commenting procedure is also identified and articulated in the proposed Consent Decree. *See* Proposed Consent Decree, Paragraph 20.

Respectfully submitted,

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division

/s/ **Lauren D. Grady**
Phillip R. Dupré (TX #24069650)
Environmental Defense Section
United States Department of Justice

P.O. Box 7611
Washington, D.C. 20044
Tel: (202) 616-7501
Fax: (202) 514-8865
E-mail: phillip.r.dupre@usdoj.gov

Lauren D. Grady (IL #6315393)
Pedro Segura
Environmental Enforcement Section
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
Tel: (202) 514-2794
Fax: (202) 616-6584
Email: lauren.grady@usdoj.gov